



New Hampshire Council on Resources and Development

DRAFT MINUTES – October 1, 2026

MEMBERS PRESENT

Heather Shank, Designee, Department of Business and Economic Affairs, Chair
Shawn Jasper, Commissioner, Department of Agriculture, Markets, and Food
Patrick Hackley, Designee, Department of Natural and Cultural Resources
Eric Sargent, Designee, Department of Transportation
Jim Oehler, Designee, Fish and Game Department
Jack Ruderman, Designee, New Hampshire Housing
Kim Houghton, Designee, Department of Education
Mark Doyle, Designee, Department of Safety
Rene Pelletier, Designee, Department of Environmental Services
John B. Martin, Designee, Department of Health and Human Services
Jared Nylund, Designee, Department of Administrative Services

OTHER PARTICIPANTS

Brendan McDowell, Staff to CORD, NH Office of Planning and Development
Chris Aslin, Attorney to CORD, Attorney General's Office, Department of Justice
Charlotte Harding, NH Conservation Land Stewardship Program
Sam Simpson, NH Conservation Land Stewardship Program

I. INTRODUCTIONS

The meeting was opened at 3:02 PM by Chair Shank. Introductions were made by members of CORD.

II. MINUTES

Approval of August 6, 2026 meeting minutes.

August 6, 2026 minutes were reviewed, and one correction was made on line 230 of the draft meeting minutes.

MOTION: *Chair Shank made a motion to approve the minutes with the correction, seconded by Mr. Ruderman, August 6, 2026; the minutes were approved with 9:2:2 vote. Mr. Martin and Mr. Jasper abstained.*

III. CONSERVATION LAND STEWARDSHIP PROGRAM (CLSP)

A. Request for Determination Regarding Proposed Acquisition of Limited Interest

Chair Shank introduced a request from Trevor McCourt, Deputy City Attorney of the City of Portsmouth, requesting a determination from CORD on their analysis of whether the Peverly Hill

Road Complete Streets Project is an allowable use of property encumbered by an LCIP easement, and whether they are permitted to acquire the property without further action by CORD.

Commissioner Jasper disagreed with the conclusion cited in the City's letter on the grounds that the proposed bike path has nothing to do with the agricultural land. Commissioner Jasper viewed it as a taking and recommended sending the decision to the legislature to make the final determination.

Chair Shank clarified that even though recreational uses are allowed on the easement, the recreational uses are intended to be in service of the agricultural nature of the easement, which a paved bike path would not be.

Attorney Aslin gave some additional context to the original question CORD received from the City of Portsmouth on whether they could use eminent domain for the rights to build the bike path. CORD posed a question back to the City of Portsmouth whether this was an allowable use under the easement and requested the City attorney make that determination. The City of Portsmouth's attorneys believe it is an allowable use under the easement. It is up to CORD to determine if the structure of a paved bike path is an allowed recreational use of the property. Attorney Aslin also noted criteria including whether the use was necessary for the purpose of the easement.

Attorney Aslin continued, if CORD determines a bike path is not an allowable use, then the City would need to take the land out of the easement or have the restrictions on that land lifted. If CORD determines a bike path is an allowable use under the easement, then the City would be allowed to use eminent domain without further action from the state on the easement.

There was discussion by the council members on whether the bike path is a recreational use in service of, or necessary to, the agricultural use of the easement land. The Council decided the proposed bike path was not in service of, or necessary to, the agricultural use and therefore not permitted under the easement. CORD determined that the City must seek a decision from the legislature.

MOTION: Commissioner Jasper made a motion, seconded by Mr. Oehler, that a bike path is not an allowed use in accordance with the easement. The motion was approved with 10:1:1 vote, with Mr. Sargent abstaining.

B. Proposed Agreement between Kelly Farm LLC and Charles Blanchard

Attorney Aslin gave a brief synopsis of the proposal submitted in regard to the Kelly Farm easements, which were discussed at length at previous meetings. He explained the agreement would transfer the two additional lots within Parcel 6 from the Kelly Family Farm to Charles Blanchard to meet the terms of the easement. Kelly Family Farm would retain the ability to farm or rent the parcels for 10 years as payment for the two lots.

Attorney Aslin and Ms. Harding noted that this agreement solves one of the two easement issues. The issue with Parcel 4 is more complicated, because the entirety of Parcel 4 is still under the ownership of Kelly Family Farm, but an incorrect parcel number was used to transfer ownership of a lot from Parcel 4 to Mr. Blanchard, who then transferred ownership of the lot to another party. The other party has been unreachable and is suspected of being outside of the

State. A trailer and other property placed on Parcel 4 by the other party has been removed and they have not been back to claim their property. Resolving the issues on Parcel 6 were viewed as the priority as it is the larger of the two easement violations.

MOTION: Mr. Oehler made a motion, seconded by Commissioner Jasper, that the agreement submitted remedies a portion of the violations, with the condition that Attorney Aslin reviews the deed language before it is signed. Motion was approved with 11:0:0 vote.

C. NH Land Conservation Investment Program (LCIP) Annual Report

Charlotte Harding, Director of the Conservation Land Stewardship Program at NH Fish & Game Department (NHFG), gave an overview of the LCIP Annual Report. The Report provides background information on the Land Conservation Investment Program, a listing of all lands and interests in lands subject to the monitoring provisions of the statute, summaries of monitoring activities and status updates for the protected lands, and a financial accounting summary of the funds in the Land Conservation Endowment for the most recent fiscal year.

Mr. Hackley asked what other properties were still contributing to the account and if NH F&G is still adding properties through the program. Ms. Harding responded that NH F&G are still adding LCIP properties, including the most recent Milan Community Forest acquired in 2026.

MOTION: On a motion by Mr. Doyle, seconded by Mr. Ruderman, to accept the 2026 Annual Report from the Land Conservation Endowment, the Council voted unanimously to approve with a vote of 11:0:0.

VI. OTHER BUSINESS

A. SLR 2019-006 (Informational)

Chair Shank let the Council know that the SLR 2019-006 in Hampton was originally approved as a sale in 2019 and the contract has changed to a lease agreement. This was an informational item and did not require re-hearing.

B. Review CORD 2027 Schedule

Chair Shank presented the 2027 CORD Schedule. The new schedule was updated to every other month and there was more time for commenting agencies to give feedback on SLR requests.

C. Review CORD Letterhead

Chair Shank displayed the draft new letterhead for CORD, that can be used when the Council needs to send out future correspondence. Chair Shank asked for feedback from the Council.

D. Next meeting – December 3, 2026, at 3:00 PM

SLR application deadline is October 19th for the December 3rd meeting, and a department staff member must attend to present any requests their agency refers to CORD.

Chair Shank adjourned the meeting at 3:54 PM.

Meeting Minutes Prepared by Brendan McDowell